

Message

From: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Sent: 10/20/2020 4:43:05 PM
To: Jeffrey Clark [Ex. 6 Personal Privacy (PP)]
CC: Bodine, Susan [bodine.susan@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Draft Response for Review
Attachments: Gooden Response _ 10.20.20.docx; ATT00001.htm

Hi Jeff,

Attached is EPA's draft response to Cong. Gooden letter. We appreciate any edits/feedback. I've cc'd Susan and David F from our team who have been helping on this as well. Ideally we can get this out this week.

Thanks,
Mandy

Message

From: Clark, Jeffrey (CIV) [Ex. 6 Personal Privacy (PP)]
Sent: 10/26/2020 11:19:50 AM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Subject: Letter re Sea Change Foundation

Mandy,

I've worked with John. Let me know if this version of the letter would work:

October 26, 2020

Dear Congressman Gooden,

Ex. 5 Attorney Client (AC)

Sincerely,

cc: John Demers, AAG National Security Division

Jeffrey Bossert Clark, AAG Environment & Natural Resources Division and Acting AAG Civil Division

Jonathan Brightbill, Principal Deputy AAG, Environment & Natural Resources Division

Jeffrey Bossert Clark
Assistant Attorney General
Environment & Natural Resources Division
Acting Assistant Attorney General
Civil Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
(202) 514-1790
(202) 514-2701

Message

From: Clark, Jeffrey (CIV) [Ex. 6 Personal Privacy (PP)]
Sent: 10/26/2020 12:29:55 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Subject: RE: Letter re Sea Change Foundation

Thanks Mandy, will do!

Jeff

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Monday, October 26, 2020 8:26 AM
To: Clark, Jeffrey (CIV) <jefclark@CIV.USDOJ.GOV>
Cc: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>
Subject: Re: Letter re Sea Change Foundation

This is great-thank you for the extra work on it. Please pass along my thanks to Demers as well. We will get this out ASAP.

Sent from my iPhone

On Oct 26, 2020, at 7:20 AM, Clark, Jeffrey (CIV) <Ex. 6 Personal Privacy (PP)> wrote:

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October 26, 2020

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Ex. 5 Attorney Client (AC)

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Sincerely,

cc: John Demers, AAG National Security Division
Jeffrey Bossert Clark, AAG Environment & Natural Resources Division and Acting
AAG Civil Division
Jonathan Brightbill, Principal Deputy AAG, Environment & Natural Resources
Division

Jeffrey Bossert Clark
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Message

From: Marie, Marc (ENRD) [Marc.Marie@usdoj.gov]
Sent: 10/23/2020 2:50:40 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
CC: Buschbacher, Michael (ENRD) [Michael.Buschbacher@usdoj.gov]; Wahdan, Rana S. (OLA) [Rana.S.Wahdan@usdoj.gov]
Subject: RE: Gooden Letter

Looping Rana.

From: Marie, Marc (ENRD)
Sent: Friday, October 23, 2020 10:50 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>
Cc: Buschbacher, Michael (ENRD) <MBuschbach@ENRD.USDOJ.GOV>
Subject: RE: Gooden Letter

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From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Friday, October 23, 2020 10:41 AM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>
Cc: Buschbacher, Michael (ENRD) <MBuschbach@ENRD.USDOJ.GOV>; Marie, Marc (ENRD) <MMarie@ENRD.USDOJ.GOV>
Subject: RE: Gooden Letter

Great – Thank you, Jon.

Michael and Marc – Attached is the latest draft response to a congressional letter we received 2 weeks ago. I'd appreciate any feedback you may have, especially with regard to the characterizations of FARA given that is squarely within DOJ's wheelhouse. If easier to chat, I can set up a call this afternoon. I'm hoping to get this out by noon today (1:30 at the latest) as we have some incoming press inquiries of which I'm trying to get ahead.

I also attached the original correspondence from the Congressman for context.

Thanks in advance for your help and I look forward to being in touch.

Best,
Mandy

Mandy M. Gunasekara

Chief of Staff, US EPA

C: 202-923-5320

“We serve at the pleasure of the President.”

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 23, 2020 9:57 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Cc: Buschbacher, Michael (ENRD) <Michael.Buschbacher@usdoj.gov>; Marie, Marc (ENRD) <Marc.Marie@usdoj.gov>
Subject: Gooden Letter

Mandy – Please coordinate with my counsels, Michael and Marc, this morning. They will work to get you at least some helpful feedback.

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

Message

From: Marie, Marc (ENRD) [Marc.Marie@usdoj.gov]
Sent: 10/23/2020 7:58:25 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Buschbacher, Michael (ENRD) [Michael.Buschbacher@usdoj.gov]; Wahdan, Rana S. (OLA) [Rana.S.Wahdan@usdoj.gov]; Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
Subject: RE: Gooden Letter
Attachments: Gooden Response _ 10.20.20_v3 (004)_DOJ edits (004) bvg-rw.docx

Mandy,

Here are NSD's edits to EPA's updated response.

Thank you.

Marc Marie
Counsel to the Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Office: (202) 307-2711
Mobile: (202) 532-3201
Marc.Marie@usdoj.gov

From: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>
Sent: Friday, October 23, 2020 3:25 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Marie, Marc (ENRD) <MMarie@ENRD.USDOJ.GOV>
Cc: Buschbacher, Michael (ENRD) <MBuschbach@ENRD.USDOJ.GOV>
Subject: RE: Gooden Letter

Mandy – Apologies for the delay. There is a fair amount of hand wringing over here in the other components. Marc will get back to you in 30 minutes with the best input we can get (if any).

Jon

Jonathan D. Brightbill
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Environment and Natural Resources Division
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From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Friday, October 23, 2020 10:59 AM
To: Marie, Marc (ENRD) <MMarie@ENRD.USDOJ.GOV>
Cc: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Buschbacher, Michael (ENRD) <MBuschbach@ENRD.USDOJ.GOV>
Subject: Re: Gooden Letter

Will do and thank you.

Sent from my iPhone

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Washington, D.C. 20530

ED_006664_00000127-00002

Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F639EA28AF4C455493939E3129260707-GUNASEKARA,]
Sent: 10/28/2020 6:07:44 PM
To: Marie, Marc (ENRD) [Marc.Marie@usdoj.gov]
Subject: RE: Gooden Letter
Attachments: Gooden.SIGNED.Letter.pdf

Yes – final letter attached. Thanks again for your help.

From: Marie, Marc (ENRD) <Marc.Marie@usdoj.gov>
Sent: Wednesday, October 28, 2020 1:37 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: Gooden Letter

Hi Mandy,

Could you send me a copy of the response? Jon has asked me to close the loop with leg affairs and I can't find a PDF copy online.

Thanks!

Marc Marie
Counsel to the Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Office: (202) 307-2711
Mobile: (202) 532-3201
Marc.Marie@usdoj.gov

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Friday, October 23, 2020 3:27 PM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Marie, Marc (ENRD) <MMarie@ENRD.USDOJ.GOV>
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Subject: RE: Gooden Letter

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Jonathan.Brightbill@usdoj.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 26, 2020

THE ADMINISTRATOR

The Honorable Lance Gooden
425 Cannon House Office Building
Washington, DC 20515

Dear Congressman Gooden,

Thank you for your letter dated October 8, 2020. At EPA, we take the concerns you raised about foreign interference in our government very seriously.

As a note, it is not a violation of U.S. law for a non-profit group to accept contributions from foreign entities. Foreign entities are not precluded from submitting comments to EPA on regulations, draft permits, or enforcement settlements, either directly or through agents. It also is not unlawful for non-profit groups to accept funds from a foreign entity to carry out the objectives of that entity and to meet with the U.S. government to do so. ***However, foreign influence should not be covert.***

The most applicable law that ensures transparency of foreign funding of political advocacy in the rule-making context is the Foreign Agents Registration Act (FARA). That law requires that anyone acting as an agent of a foreign principal when conducting political activities register with the Attorney General so that the public and government agencies can consider the identity of the principal when assessing any arguments made by the agent. The Department of Justice (DOJ) has recently applied FARA's requirements in the context of political advocacy by an environmental organization receiving foreign funding for that advocacy.

Given heightened concern that foreign countries, primarily China and Russia, are potentially funding U.S.-based "green" groups to undermine American energy independence and to help maintain the integrity of EPA's decision-making, EPA will refer this matter to the DOJ FARA Unit. The DOJ can then determine what appropriate steps to take, if any, including whether those entities should be registered as a foreign agent.

EPA will, of course, continue to comply fully with the Administrative Procedure Act and consider substantive comments timely filed in a relevant docket whether submitted by an agent of a foreign government or domestic party. Should additional groups, beyond those listed in your letter, including any funded by Sea Change Foundation, be identified as potential sources of foreign influence EPA will refer those matters to DOJ as well.

Again, thank you for bringing this matter to our attention. We appreciate your interest in safeguarding EPA against covert foreign influence.

Sincerely,

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Andrew R. Wheeler

Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F639EA28AF4C455493939E3129260707-GUNASEKARA,]
Sent: 12/21/2020 2:02:18 AM
To: Jeffrey Clark [jbc1@usdoj.gov]
Subject: 1 of 2
Attachments: Gooden.SIGNED.Letter.pdf

Attached is the response letter signed by Admin. Wheeler.

Sent from my iPhone



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WASHINGTON, D.C. 20460

October 26, 2020

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Sent: 10/23/2020 2:41:14 PM
To: Brightbill, Jonathan (ENRD) [Jonathan.Brightbill@usdoj.gov]
CC: Buschbacher, Michael (ENRD) [Michael.Buschbacher@usdoj.gov]; Marie, Marc (ENRD) [Marc.Marie@usdoj.gov]
Subject: RE: Gooden Letter
Attachments: Gooden Response _ 10.20.20_v3.docx; 10.8.2020 - Gooden EPA Letter[4].pdf

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C: 202-923-5320

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Jonathan D. Brightbill
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Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

Congress of the United States
House of Representatives
Washington, DC 20515-4305

October 8, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20536

Dear Administrator Wheeler,

I respectfully request that the Environmental Protection Agency (EPA) conduct a swift and thorough investigation into foreign influence, financial involvement, and election interference by a number of environmental groups in the United States, including the Sea Change Foundation, the Sierra Club, and the Sunrise Movement. Based on information recently brought to my attention, I believe there is considerable evidence of foreign interference in our government, perpetrated through environmental groups like these taking shelter behind the non-profit status of donor anonymity.

Both members of Congress and the media have long noted that many environmental groups receive large sums of money from an organization called 'Sea Change Foundation', a proven front group for foreign financing, funded by off-shore hedge funds in Bermuda. In fact, in 2017, the House Committee on Science identified Russian-funded social media advertisements actively targeting the U.S. energy sector, particularly fracking, leading up to the 2016 U.S. election.

Many 501(c)(4)s receive foreign funding for research or programming, but the environmental groups in question are not acting as mere think tanks or research organizations. These groups actively lobby Congress for legislative action, support political affiliations, and promote policy. They have also been known to organize and pay operatives to disrupt American energy operations and election processes.

While it is not illegal for tax-exempt 501(c)(4)s to receive funding from foreign countries, the Foreign Agent Registration Act (FARA) stipulates that any foreign-funded organization engaged in political activity must register as a foreign agent. Environmental groups that receive money from Sea Change or other foreign-funded organizations, who then use those funds to target American energy interests, should disclose the source of their funding and potentially register as foreign agents. These groups are clearly engaging in politics at best, and operating at the behest of foreign actors at worst.

China has a long history of successfully destroying American industries for their own benefit. We cannot allow China to undermine and threaten our energy industry the way they destroyed our manufacturing industry. The future and national security of America are at stake – we must protect our resources. Foreign countries, particularly China and Russia, aim to diminish American energy independence. It behooves them to fund organizations who work to stifle domestic energy progress. For instance, Russia has an interest in ending oil and gas production in America because their entire economy is dependent on Russian dominance in the oil market.

While China is newer to the energy game, they are quickly becoming a powerhouse. “Climate Change” campaigns have been very profitable for China as they hold monopolies on many of the critical minerals used in the “renewable energy” space. When the United States pulled out of the job-killing Paris Climate Accord, environmental activists bashed President Trump’s decision. These same actors remain silent on China’s egregious environmental practices, including horrible air quality and a hefty carbon footprint. Despite China being a leading polluter, they rarely face condemnation from “green” groups.

Attorney General Bill Barr recently stated “the greatest threat to the 2020 election is China.” We have strong reason to believe that one of the many tactics they are using to influence our elections is through eco-left “green” groups. The CCP cannot be trusted and we must hold them and any bad actors accountable for funding political activity and election meddling in the United States.

Thank you for your prompt attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Lance Gooden". The signature is fluid and cursive, with the first name "Lance" written in a larger, more prominent script than the last name "Gooden".

Lance Gooden

CC:

The Honorable William P. Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001

Susan Bodine
Assistant Administrator of Enforcement and Compliance Assurance
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Message

From: gunasekara.Mandy@epa.gov [gunasekara.Mandy@epa.gov]
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To: Jeffrey Clark [Ex. 6 Personal Privacy (PP)]
CC: Bodine, Susan [bodine.susan@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Draft Response
Attachments: Gooden Response _ 10.20.20.docx; ATT00001.txt

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Sent: 10/26/2020 9:17:22 PM
To: Lloyd, Matt (PAO) [Matt.Lloyd@usdoj.gov]
Subject: FW: Letter

FYI, regarding the letter we referred to DOJ today. I also shared with him that NWF had registered under FARA this past June as indicated in the letter to Rep. Gooden: <https://efile.fara.gov/docs/6836-Exhibit-AB-20200616-1.pdf>

From: Hewitt, James
Sent: Monday, October 26, 2020 5:16 PM
To: Alex Guillen <aguillen@politico.com>; Press <Press@epa.gov>
Subject: RE: Letter

We had discussions with ENRD and FARA Unit and referred the matter to them. I'd recommend reaching out to DOJ for additional questions.

From: Alex Guillen <aguillen@politico.com>
Sent: Monday, October 26, 2020 5:11 PM
To: Hewitt, James <hewitt.james@epa.gov>; Press <Press@epa.gov>
Subject: RE: Letter

Maybe I used the wrong term, but there must be some conveyance from EPA to DOJ given this line in the letter promising an agency action:

"EPA will refer this matter to the DOJ FARA Unit."

From: Hewitt, James <hewitt.james@epa.gov>
Sent: Monday, October 26, 2020 5:06 PM
To: Alex Guillen <aguillen@politico.com>; Press <Press@epa.gov>
Subject: RE: Letter

EXTERNAL SENDER: Use caution with links and attachments.

Given this referral is not a case, there is no formal letter to DOJ.

From: Alex Guillen <aguillen@politico.com>
Sent: Monday, October 26, 2020 4:54 PM
To: Hewitt, James <hewitt.james@epa.gov>; Press <Press@epa.gov>
Subject: RE: Letter

Also, can you please share a copy of the letter Wheeler sent to Barr/DOJ referring this matter?

From: Hewitt, James <hewitt.james@epa.gov>
Sent: Monday, October 26, 2020 4:30 PM
To: Alex Guillen <aguillen@politico.com>; Press <Press@epa.gov>
Subject: RE: Letter

EXTERNAL SENDER: Use caution with links and attachments.

See attached. I'd refer you to DOJ on the second question.

From: Alex Guillen <aguillen@politico.com>

Sent: Monday, October 26, 2020 4:28 PM

To: Press <Press@epa.gov>

Subject: Letter

Hi, can I please get a PDF copy of the letter referenced in this tweet:

<https://twitter.com/EPAAWheeler/status/1320731624510803969?s=20>

Also, can you please clarify which environmental group was recently required to register under FARA by DOJ? The letter does not say.

Thank you,

Alex Guillen | Energy Reporter | **POLITICOPRO**

1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209

Phone: 703.341.4619

Email: aguillen@politico.com | Twitter: [@alexaguillen](https://twitter.com/alexaguillen) | Website: www.POLITICOPRO.com

Message

From: Lloyd, Matt (PAO) [Matt.Lloyd@usdoj.gov]
Sent: 10/27/2020 2:53:03 AM
To: Hewitt, James [hewitt.james@epa.gov]
CC: Raimondi, Marc (OPA) [Marc.Raimondi@usdoj.gov]; Nichols, Danielle (PAO) [Danielle.Nichols@usdoj.gov]
Subject: Re: Letter

+ Marc and Danielle

On Oct 26, 2020, at 5:17 PM, Hewitt, James <hewitt.james@epa.gov> wrote:

FYI, regarding the letter we referred to DOJ today. I also shared with him that NWF had registered under FARA this past June as indicated in the letter to Rep. Gooden: <https://efile.fara.gov/docs/6836-Exhibit-AB-20200616-1.pdf>

From: Hewitt, James
Sent: Monday, October 26, 2020 5:16 PM
To: Alex Guillen <aguillen@politico.com>; Press <Press@epa.gov>
Subject: RE: Letter

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